

**NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**IN RE ANDROGEL ANTITRUST
LITIGATION (II)**

CASE NO. 1:09-MD-2084-TWT

END-PAYOR CLASS ACTION

**FRATERNAL ORDER OF POLICE,
FORT LAUDERDALE LODGE 31,
INSURANCE TRUST FUND, on behalf of
itself and all others similarly situated,
Plaintiff,**

CASE NO. 1:09-CV-2914-TWT

v.

**UNIMED PHARMACEUTICALS,
INC., ET AL.**

Defendants.

**GEORGE STEVEN LEGRAND, on behalf
of himself and all others similarly situated,
Plaintiff,**

CASE NO. 1:10-CV-02883-TWT

v.

**UNIMED PHARMACEUTICALS,
INC., ET AL.**

Defendants.

**END-PAYOR PLAINTIFFS' MOTION TO ISSUE
LETTER OF REQUEST (LETTER ROGATORY)
UNDER THE HAGUE CONVENTION
AND MEMORANDUM IN SUPPORT THEREOF**

Plaintiffs, Fraternal Order of Police, Fort Lauderdale Lodge 31, Insurance Trust Fund (“FOP”) and Steven LeGrand (collectively “End-Payor Plaintiffs”), hereby move the Court, pursuant to Rule 28(b) of the Federal Rules of Civil Procedure and Article 1 of the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, March 18, 1970 (“Hague Convention”), for the issuance of a Letter of Request (Letter Rogatory).

On February 25, 2011, the Direct Purchaser Plaintiffs¹ filed under seal a Motion to Issue Letter of Request (Letter Rogatory) Under the Hague Convention [Dkt. #196] likewise seeking the issuance of Letter Rogatory. Because the reasons necessitating the issuance of the End-Payor Plaintiffs’ Letter Rogatory are substantially similar to those articulated by the Direct Purchase Plaintiffs in their motion, the End-Payor Plaintiffs join in, adopt and incorporate by reference the

¹ Direct Purchaser Plaintiffs are Rochester Drug Co-Operative, Inc. (1:09-cv-0956-TWT); Louisiana Wholesale Drug Company, Inc. (1:09-cv-0957-TWT); Meijer Inc. and Meijer Distribution, Inc. (collectively, “Meijer”)(1:09-cv-0958-TWT); and Stephen L. LaFrance Pharmacy, Inc. d/b/a SAJ Distributors and Stephen L. LaFrance Holdings, Inc. (1:09-cv-2913-TWT) who have brought suit on behalf of themselves and a class of direct purchasers of AndroGel; and Walgreen Co., Safeway Inc., American Sales Company, Inc., HEB Grocery Company LP (1:09-cv-3019-TWT), Rite Aid Corporation, Rite Aid Hdqtrs. Corp., and JCG (PJC) USA, LLC, Maxi Drug, d/b/a Brooks Pharmacy, Eckerd Corporation, CVS Pharmacy, Inc., Caremark, L.L.C (1:09-cv-2776-TWT), and Supervalu Inc. (1:10-cv-1024-TWT).

Direct Purchasers' Motion to Issue Letter of Request (Letter Rogatory) Under the Hague Convention.

Respectfully submitted this 25th day of February, 2011.

s/Marshall P. Dees

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CERTIFICATE OF SERVICE AND TYPE

Pursuant to Local Rule 7.1D, the undersigned counsel for End-Payor Plaintiffs hereby certifies that the foregoing has been prepared with a font size and point selection (Times New Roman, 14 pt.) which was approved by the Court, and that on this 25th day of February, 2011, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all counsel of record.

s/Marshall P. Dees
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